

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrew VAILLANT et al.
Serial Number: 10/661,403
Filing Date: September 12, 2003
For: ANTIVIRAL OLIGONUCLEOTIDES
Art Unit: 1648
Examiner: HURT, Sharon L.
Agent: Cawthorn, Christian Direct Line: (514) 847-4256

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Sir:

Petitioner, REPLICOR INC., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, of U.S. copending application No. 10/661,403, and agrees that any patent granted on the above-captioned patent application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to said U.S. copending application No. 10/661,403, this agreement to run with said U.S. Patent application Nos. 10/661,088 and 10/661,415 which are commonly owned applications, and any patent granted on the above-captioned patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, REPLICOR INC. does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the

Assistant Commissioner for Patents

expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of any patent granted on said U.S. Patent copending application No. 10/661,403 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a Court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term. In addition, any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the judicially created double patenting.

The Commissioner is hereby authorized to charge fees of \$65.00, or any appropriate fees, since Applicants requested status of small entity, under 37 C.F.R. § 1.20(d) that may be required by this paper. The Commissioner is hereby authorized to charge and to credit any overpayment to Deposit Account No. 19-5113.

Respectfully,



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